

**REMARKS**

**INTRODUCTION:**

In accordance with the foregoing, elected claims 2, 4, 10, 11, 12, 29, 32, 33, 36 and 37 have been amended and claims 41 and 42 have been added. No new matter is being presented, and approval and entry are respectfully requested. Therefore, claims 2-42 are pending, and reconsideration of claims 2-4, 8-17, 22-24, 29, 30, and 31-40 is requested.

**REJECTION UNDER 35 U.S.C. §112, FIRST AND SECOND PARAGRAPHS:**

In the Office Action, claims 4, 8, 9, 11-13, 29, 30, 32, 33, 36 and 37 were rejected under 35 U.S.C. §112, first paragraph, as not being supported by the specification. According to the Office Action, there is no support in the specification for the phrase, "the first solvent is less than 30% by volume of the electrolyte," and the phrase, "the second solvent is more than 70% by volume of the electrolyte." However, since the recitations of these phrases have been amended in the claims, these rejections are believed to be overcome.

At this time, applicants submit that the claimed range of the first solvent being between 20% inclusively and 30% by volume of the electrolyte and that of the second solvent being between 70% and 80% inclusively by volume of the electrolyte represents ranges that are enabled by the written description. It is noted that since the written description, paragraph [0023], specifically, establishes ranges which are broader than the claimed ranges, and since the claimed ranges are entirely within the disclosed ranges, the claimed ranges are supported by the written description.

Claims 2, 3, 4, 8-12, 14-17 and 29-40 were rejected under 35 U.S.C. §112, second paragraph, as indefinite. According to the Office Action, it is necessary to claim the units of viscosity that the viscosity of the second solvent is measured in. As such, claims 2, 4 and 10-12 have been amended to recite that the units of viscosity are measured in "cP's," which were understood by the inventor to be the units of viscosity of the second solvent. Since cP's are a commonly used unit of measurement in the art, it is noted that claiming that the units of measurement of the viscosity of the second solvent as being in "cP's" does not represent the addition of new matter. *See Exhibit A, which is a table illustrating that viscosity is measured in "cP's."*

In addition, regarding the rejection of claim 29, the Office Action suggested that the term "sulforane" should be changed to "sulfulane." Accordingly, claim 29 has been amended. Therefore, applicants respectfully believe that these rejections are overcome.

**ADDED CLAIMS 41 and 42:**

Claims 41 and 42 have been added and include the recitations that "at least a first solvent selected from a group consisting of ethylene carbonate, propylene carbonate, dimethyl sulfoxide, sulfolane,  $\gamma$ -butyrolactone, acetonitrile, dimethyl formamide, methanol, hexamethyl phosphoramide, ethanol, and isopropanol," and "at least a second solvent selected from a group consisting of methylethyl ketone, pyridine, methyl formate, tetrahydrofuran, diglyme (2-methoxyethyl ether), 1,3-dioxolane, methyl acetate, 2-methyl tetrahydrofuran, ethyl acetate, n-propyl acetate, ethyl propionate, methyl propionate, ethyl ether, diethyl carbonate, methylethyl carbonate, dimethyl carbonate, toluene, fluorotoluene, 1,2-dimethoxy ethane, benzene, fluorobenzene, p-dioxane, and cyclohexane." During the telephone conference of Monday, January 3, 2005, the Examiner indicated that claims with these recitations would elicit a favorable response.

**CONCLUSION:**

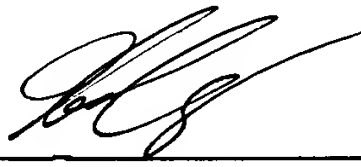
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 50-3333.

Respectfully submitted,















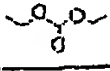
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Date: 1/12/05

# Exhibit A

Solvent	$\epsilon_r$	$\eta_o$ (cP)	DN	mp (°C)	bp (°C)	$E_{red}/E_{ox}$ (V vs. SCE)
Ethylene carbonate (EC) 	90	1.9 (40°C)	16.4	37	238	-3.0 +3.2
Propylene carbonate (PC) 	65	2.5	15.1	-49	242	-3.0 +3.6
Butylene carbonate (BC) 	53	3.2	-	-53	240	-3.0 +4.2
$\gamma$ -Butyrolactone (GBL) 	42	1.7	18	-44	204	-3.0 +5.2
1, 2-Dimethoxyethane (DME) 	7.2	0.46	20	-58	84	-3.0 +2.1
Tetrahydrofuran 	7.4	0.46	20.0	-103	66	-3.0 +2.2
2-Methyltetrahydrofuran (2 MeTHF) 	6.2	0.47	18	-137	30	-3.0 +2.2
1, 3-Dioxolane (DOL) 	7.1	0.59	-	-95	78	-3.0 +2.2
4-Methy-1, 3-dioxolane (4MeDOL) 	6.8	0.60	-	-125	85	-3.0 +2.2
Methyl formate (MF) 	8.5	0.33	-	-99	32	-2.5 +2.3
Methyl acetate (MA) 	6.7	0.37	16.5	-98	58	-2.9 +3.4
Methyl propionate (MP) 	6.2	0.43	-	-88	79	-2.5 +3.4
Dimethyl carbonate (DMC) 	3.1	0.59	-	3	90	-3.0 +3.7
Ethyl methyl carbonate (EMC) 	2.9	0.65	-	-55	108	-3.0 +3.7
Diethyl carbonate (DEC) 	2.8	0.75	15.1	-43	127	-3.0 +3.7